

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

CLERK'S MINUTES - GENERAL

CASE NO. CV206-229 DATE Sept. 14, 2009
TITLE DOUGLAS ASPHALT CO.,ETAL VS APPLIED TECHNICAL SERVICES,INC.,ETAL
TIMES 10:40 - 5:00 (Monday) TOTAL

Honorable : Anthony A. Alaimo, U. S. District Court Judge Courtroom Deputy : Nita Rose
Court Reporter : Joan Mobley Interpreter :

Attorney for Plaintiff	Attorney for Defendant(s)	Attorney for
Brent J. Savage Kenneth Futch, Jr. William H. Pinson, Jr.	James F. Cook, Jr. B.Kaye Katz-Flexer Paul W. Bruke	Applied Technical Services

PROCEEDINGS : JURY TRIAL:

☒ In Court
☐ In Chambers

Jury trial proceeded at 10:40 a.m. before Judge Alaimo.
Preliminary Instructions to the Jury 10:42 - 10:49
Witnesses sworn, rule invoked
Opening Statements by parties to the Jury:
Brent Savage: 10:55 - 11:27
B.Kaye Katz-Flexer 11:27 - 11:48
Court recess 11:50 - 1:15
Trial proceeded on behalf of Plaintiff with taking of testimony and introduction of evidence.
Recess: 2:38 -2:57 Questions from the jury to the court.
Trial resumed on behalf of Plaintiff with the playing of video deposition of Dr. Zahang.
Recess 3:53 to 4:06 Trial resumed with the continuing of playing of video deposition of Dr. Zahang.
Court recess at 5:00 until 9:00 a.m Sept. 15.

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PROCEEDINGS (continued): **JURY TRIAL:**

- September 15, 2009: 9:00 A.M. In chambers conference held;
Discovery dispute: parties can depose expert witness
Court grants parties oral motion for two weeks continuance of trial. Trial continued until September 28th at 9:00 o'clock.
Jury brought in Courtroom at 9:50 a.m. and dismissed until 9/28/09.
Court recess 10:00
- 9/28/2009, 9:10 a.m. Trial resumed on behalf of Plaintiff with direct examination of J.Carroll Purvis. Sidebar: re: witness Plaintiff calls witness J. Carroll Purvis with cross examination. Court takes 15 minute break. Court continues with Plaintiff taking direct examination of Witness Elijah Thomas. Court recess 12:00 - 1:30
Trial proceeded on behalf of Plaintiff with direct examination of Gayle Wyn Jones. Court recess: 2:30 - 2:45. Trial proceeded on behalf of Plaintiff with direct examination of Joel Spivey. Court recess: 4:30 - 4:40 Trial resumed with the continuance of taking testimony of Cathy Mansfield by Pltf.
Court recess at 4:45 until 9:00 a.m, Sept. 29th
- Sept. 29th 8:50 - 9:00 In chambers Conference: Pltf request to take his expert witness Crumbliss out of order, objection by deft. but consents to recess
9:00 jury brought into jury room, trial proceeded on behalf of Pltf with cross examination of Dennis Kelly. side bar Deft reserves right to call for Direct.
Jury excused until 1:00 p.m.. Court continues with Motion Hearing: Court rules that all Pltf and Defts' pending motions are overruled Court recessed at 9:55 am until 1:00 pm
1:05, Trial proceeded with the taking of testimony of Dr. Crumbliss by Plaintiff. Dr Crumbliss tendered as expert witness - granted Court recess 2:11 - 2:30
Trial continued with cross examination of Dr. Crumbliss. (sidebar held)
Plaintiff rest 3:03 pm
Trial resumed on behalf of Deft with direct taking of testimony of Dennis Kelly (side bar held) Court recess at 5:00 pm until 8:30 am, 9/30.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA**

CLERK'S MINUTES - GENERAL

CASE NO. **CV206-229**
TITLE **DOUGLAS ASPHALT, ETAL VS APPLIED TECHNICAL SERVICES**
TIMES **8:30 am - 4:15 10/1 9:00 - 3:07**

DATE **9/30-10/1/09**

TOTAL

Honorable : **Anthony A. Alaimo, U. S. District Court Judge**
Court Reporter : **Joan Mobley**

Courtroom Deputy : **Nita Rose**
Interpreter :

Attorney for Plaintiff
**Brent J. Savage
Kenneth Futch, Jr.**

Attorney for Defendant(s)
**James F. Cook, Jr.
B. Kaye Katz-Flexer
Paul W. Bruke**

Attorney for
Deft.

PROCEEDINGS : **Jury Trial**

☒ In Court
☐ In Chambers

→ 9/30/09; 8:30 a.m., Outside the presence of the Jury; Motion by Deft for Directed Verdict, response by Pltf, Reply by Deft, Rebuttal by Pltf. Court reserves ruling. 9:00 a.m., jury brought into Courtroom and trial proceeded with continuing cross examination of Witness Richard Douds. (sidebar held, re: testimony of Georgene Geary); Court recess 10:15 - 10:30. Trial resumed on behalf of deft with direct examination of Donald McKay. Court recess 11:40 - 1:30 Trial resumed with Deft taking the continuing testimony of Phil Rogers. Court recess 3:09 - 3:25 Trial resumed on behalf of Deft taking re-direct examination of Phil Rogers
Deft rest: 3:59 pm Pltf calls Rebuttal Witness Kyle Spivey. Jury excused at 4:05 until 9:00 am, 10/1/1009
Trial continued with Deft's Renewed Motion for Directed Verdict. Pltf tenders Exhibits
→ 1,2,4,5,6,7 (6 & 7 admitted over objections) court recess 4:15pm until 9:00 a.m. 10/1/2009
10/1/2009, 9:00 a.m. Questions from the jury to the Court, Judge answers questions.
Closing arguments to Court and jury by counsel:
Brent Savage 9:12 - 9:55 am,

**UNITED STATES DISTRICT COURT
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CASE NO. CV206-229

DATE 9/30-10/1/09

TITLE DOUGLAS ASPHALT, ETAL VS APPLIED TECHNICAL SERVICES

PROCEEDINGS (continued): Jury Trial

Recess 9:55 - 10:15.

10:00 - 10:10 In chambers charge conference held, returned to Courtroom

Closing arguments: Paul Burke 10:15 - 10:54

Brent Savage 10:54 - 11:04

Court recess 11:04 - 11:12

Charge of Court: 11:12 - 11:40

Side Bar - exception by Charge by Deft

Evidence to Jury 11:41

Verdict 3:07 pm Jury Polled

Clerk to enter judgment.

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PH: [unclear]

[unclear]

9:34 - 9:32 Direct
9:32 - 9:41 Chase
9:41 - 9:42 [unclear]

George Lian

9:41 - 10:22 PH: [unclear]
10:22 - 10:36 Direct
10:36 - 10:38 PH:

Elijah Thomas

10:55 - 11:08 Direct
11:08 - 11:12 Chase
11:12 - 11:12 ReDirect

Donald McKay III

11: - 11:59 Direct

Cy^W [unclear]

1:20 - 1:39 Direct
1:39 - 1:41 Chase
1:41 - 1:42 [unclear]

Philip Earl [unclear]

1:42 - 2:30 Direct

Jay Spivey

2:45 - 3:30 Direct
3:30 - 3:52 Chase
3:52 - 3:55 [unclear]

Cathy [unclear]

3:58 - 4:49 [unclear]

Continued 4:49
4:50

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9:30 Pitz
Dennis Kelly

Alvin CAMPBELL (DR)
Expert Witness

Deft Witness
Dennis Kelly

Cathy Mansfield

Richard Douds

9:30 Richard Douds

Georgene GEARY

Donald McKay

9:10 - 9:51 Class

1:07 - 1:51 Direct

1:52 - 2:54 Cross

2:55 - 3:02 Re-Direct

3:04 - 3:26 Direct

3:26 - 3:33 Cross

3:33 - 3:34 Re-Direct

~~3:45~~ - 4:07 Direct

4:07 - 4:20 Cross

4:24 - 4:44 Direct

4:44 - 5:00 Cross

9:04 - 9:08 ~~Re~~ Cross

9:08 - 9:13 Re-Direct

9:15 - 9:40 Direct

9:40 - 10:12 Cross

10:12 - 10:16 Re-Direct

10:35 - 10:56 Direct

10:56 - 11:25 Cross

11:25 - 11:28 Re-Direct

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9-30-09

Ph. 1 Rogers

11:29	-	11:40	Direct
1:30	-	1:49	Direct
1:49	-	2:16	Cross
2:16	-	2:18	Re-Direct

Harold Linnenkohl

2:19	-	2:29	Direct
2:29	-	3:10	Cross
3:15	-	3:34	Re-Direct

Jim Hills

3:35	-	3:45	Direct
3:45	-	3:58	Cross

Kyle Spivey
Pitb Rebetta/ witness

4:00	-	4:04	Direct
4:04	-	4:05	Cross